

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN R. BELITZ,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C10-5130RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Petitioner's Motion for Leave to Appeal *In Forma Pauperis* [Dkt. #33]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Petitioner has filed a Notice of Appeal of the Judgment entered on the Court's Order Adopting the Report and Recommendation and Denying his Petition for a Writ of Habeas Corpus. For the reasons stated in the Report and Recommendation [Dkt. #26], the Order [Dkt. #30], and implicit in the Court's denial of a Certificate of Appealability, Petitioner's appeal lacks an arguable basis in law or fact.

1 Petitioner's Motion for Leave to Appeal *In Forma Pauperis* [Dkt. #33] is **DENIED**. Fed.
2 R. App. P. 24(a).

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any
5 party appearing pro se.

6 Dated this 28th day of April, 2011.

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BENJAMIN H. SETTLE

10 United States District Judge
11 for Ronald B. Leighton
12 United States District Judge
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